

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA

4 Brandon Adams,

5 Plaintiff

6 v.

7 Ally Bank, et al.,

8 Defendants

Case No. 2:22-cv-02173-CDS-MDC

Order Adopting Magistrate Judge's
Report and Recommendation and
Closing Case

[ECF Nos. 62, 80]

9
10 Plaintiff Brandon Adams sues Ally Bank¹ and Experian for “charging fraudulent charges
11 for months” and “negative information reported on credit report.” Compl., ECF No. 1-1. Adams
12 applied to proceed *in forma pauperis* (IFP). ECF No. 6. Magistrate Judge Daniel Albregts reviewed
13 the complaint and issued an order and report and recommendation (R&R) granting Adams’ IFP
14 status but dismissing his complaint without prejudice for failure to state a claim upon which relief
15 can be granted. Order, ECF No. 60 at 6. Judge Albregts recommended that Ally and Experian’s
16 motions for judgment on the pleadings be denied as moot. *Id.* Adams filed no objection so District
17 Judge Richard Boulware, II adopted the R&R in full. Min. order, ECF No. 63.

18 This case was subsequently transferred to me and Magistrate Judge Maximiliano D.
19 Couvillier, III. Order, ECF No. 66. On May 6, 2024, Judge Couvillier entered a report and
20 recommendation that this case be dismissed for Adams’ failure to amend his complaint by
21 February 26, 2024. R&R, ECF No. 80. Further, he recommends that Ally’s motion to dismiss (ECF
22 No. 62) be denied as moot since the original complaint was already dismissed by Judge Albregts. *Id.*
23 The R&R also notes that since filing the instant action, Adams was deemed a vexatious litigant. *Id.*
24 (citing *Adams v. Boulware, II, et al.*, 2:22-cv-01234- CDS-MDC, Order, ECF No. 61 (D. Nev. April 30,
25 2024).
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¹ Incorrectly named in the complaint as Ally Auto. ECF No. 62 at n.1.

Adams filed no objection to the R&R and did not ask to extend the time to do so.² “[N]o review is required of a magistrate judge’s report and recommendation unless objections are filed.” *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Because there is no objection, I am not required to review Judge Couvillier’s R&R. I nonetheless reviewed it and the docket in this matter, and agree that dismissal is appropriate based on Adams’ failure to amend his complaint as ordered by the court. Accordingly, I adopt Judge Couvillier’s R&R in full. Ally’s motion to dismiss is denied as moot.

Conclusion

IT IS THEREFORE ORDERED that the report and recommendation [ECF No. 80] is ADOPTED in its entirety.

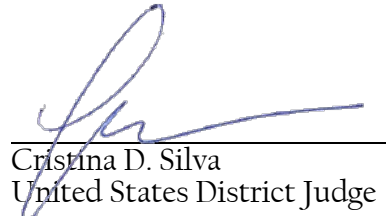
IT IS FURTHER ORDERED that Ally Bank’s motion to dismiss [ECF No. 62] is DENIED as moot.

This case is dismissed. The Clerk of Court is kindly instructed to enter judgment accordingly and to close this case.

Adams is reminded that as a vexatious litigant, he is enjoined and prohibited under 28 U.S.C. § 1651(a) from filing any complaint, petition, or other document in the United States District Court for the District of Nevada that relates to initiating new litigation as a pro se litigant without first obtaining pre-filing permission from the Chief Judge of this District.

No documents may be filed in this now-closed case. The Clerk of Court is authorized to reject, refuse to file, and discard any new complaint, petition, or document on any closed case, or any other litigation-initiating documents submitted pro se without prior compliance with this order.

Dated: May 21, 2024



Cristina D. Silva
United States District Judge

² See 28 U.S.C. § 636(b)(1); LR IB 3-2(a) (stating that parties wishing to object to an R&R must file objections within fourteen days).